

Application No. 10/622,919

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated September 21, 2004. Claims 1, 3, 8, 9, 14, 17 and 23 have been amended without intending to abandon or to dedicate to the public any patentable subject matter. Accordingly, Claims 1 and 3-24 are now pending. As set out more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Initially, the undersigned would like to thank the Examiner for the courtesies extended during the telephone conference that was held on November 15, 2004. During that telephone conference, various of the pending rejections under 35 U.S.C. §102 and 35 U.S.C. §103 were discussed. In addition, potential amendments to the claims were discussed. No agreement regarding allowable subject matter was reached.

Claims 1, 2, 3, 5, 9, 10, 12, and 13-16 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 3,062,421 to Fleming ("Fleming"). In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference (MPEP §2131). However, each and every element of the claims rejected under Section 102 cannot be found in Fleming. Therefore, reconsideration and withdrawal of the rejections of Claims 1, 2, 3, 5, 9, 10, 12, and 13-16 are respectfully requested.

Claim 1 recites a fishing line container assembly comprising a fishing line compartment. Claim 1 has been amended to recite at least a first strap that includes "a single strap element with both an attached end and an attaching end." The attached end is "fixed to said inner area of said first flap." In addition, amended Claim 1 recites that "in said open state said attaching end is interconnected to said inner area of said first flap through a middle portion of said single strap element, and . . . in said closed state said attaching end of said single strap element is also releasably fixed to said inner area of said first flap."

The Fleming reference does not describe a strap that includes a single strap element with both an attached end and an attaching end. Instead, Fleming discusses a strap 16 having at least

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two strap elements. The first strap element is fixed to a swingable portion 12 of an inner wall 10 and includes a buckle 18. The second strap element is fastened to the stationary portion of the inner wall 10 and includes holes that can be received in the buckle 18. (Fleming col. 2, ll. 3-10; Fig. 2.) Furthermore, Fleming does not describe a strap with a single strap element having an attached end and attaching end that are both interconnected to an inner area of a first flap when the strap is in an open state, or with an attaching end that is also releasably fixed to the inner area of a first flap when in a closed state. Therefore, for at least these reasons, the rejections of Claim 1 and dependent Claims 2, 3, 5, 9, 10 and 12-16 should be reconsidered and withdrawn.

Applicant notes that Claim 9 has been amended to recite at least a first cover that is "fixed to said first flap on a first side of said first strap and on a second side of said first strap." Claim 9 further recites that "a free edge . . . is formed to create a sleeve or pocket capable of receiving at least a portion of said first strap." Furthermore, Claim 9 has been rewritten in independent form to include the elements of Claim 1 as originally presented. Claim 9 is allowable over the cited references for at least the reason that those references do not teach, suggest or describe a first cover forming a sleeve or pocket as claimed. Accordingly, allowance of Claim 9 is respectfully requested.

Applicant also notes that Claim 14 has been amended to clarify that the recited at least a first access hole is located within a perimeter of a piece of material forming the exterior of the fishing line compartment. Accordingly, even if there were a suggestion to use a slot at a junction between different sections as an access hole for receiving fishing line, such a junction would not teach, suggest or describe an access hole as claimed. Furthermore, Claim 14 has been rewritten in independent form to include the elements of Claim 1 as originally presented. Claim 14 is allowable for at least the reason that the cited references do not describe an access hole as claimed. Therefore, Claim 14 is not anticipated by the Fleming reference for at least this additional reasons, and the rejection of Claim 14 should be reconsidered and withdrawn.

Claims 4, 6-8, 11 and 17-24 stand rejected under 35 U.S.C. §103 as obvious. In particular, Claim 4 stands rejected over Fleming in view of U.S. Patent No. 4,759,963 to Uso Jr.

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et al. ("Uso"), Claims 6-8 and 11 stand rejected as being unpatentable over Fleming, and Claims 1 and 17-24 stand rejected over U.S. Patent No. 2,999,621 to Kiser ("Kiser") in view of U.S. Patent No. 1,201,769 to Schloss ("Schloss"). In order to establish a *prima facie* case of obviousness under Section 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations (MPEP §2143.) The prior art references, whether considered alone or in combination, do not teach, suggest or disclose a fishing line container or a method for facilitating use of fishing line that includes a strap (or use of a strap) as generally recited by the pending claims. Accordingly, the rejections under 35 U.S.C. §103 should be reconsidered and withdrawn.

Claim 4 depends from Claim 1 and recites that the first strap includes a Velcro® strap. The Office Action cites to Uso for showing a Velcro® strap used to retain fishing equipment. However, even if the proposed combination of Fleming and Uso is proper, such a combination would not teach, suggest or disclose each and every element of Claim 1. In particular, as described in greater detail above, the Fleming reference does not teach, suggest or disclose a strap having a single strap element with both an attaching end and an attached end and that, in an open state, both the attached and the attaching end are interconnected to the inner area of a first flap. Instead, Fleming discusses a strap with two strap elements. Furthermore, the Uso reference does not supply the elements missing from the disclosure of Fleming. In particular, Uso discusses a fishing pole fastening device that features a band of non-stretchable material having a Velcro® fastening mechanism to secure the two ends together that is permanently attached crosswise to an elasticized band having a Velcro® fastening mechanism to secure the two ends of that band together. (Uso Abstract.) Accordingly, the rejection of Claim 4 as obvious should be reconsidered and withdrawn.

Claims 6-8 and 11 generally depend from Claim 1. As noted above, the Fleming reference does not anticipate Claim 1. Furthermore, Fleming does not teach, suggest or disclose each and every element of Claim 1, or dependent Claims 6-8 and 11. More particularly, the strap

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discussed by Fleming functions to interconnect a movable flap 12 to a fixed flap or wall 10. Accordingly, the strap 16, 18 has one element that is fixed to the movable flap 12 and a second element that is fixed to the fixed flap or wall 10. Furthermore, there is no suggestion to modify Fleming such that the strap would have a single strap element and an attached end and an attaching end interconnected to the inner area of a first flap in an open state and also interconnected to the inner area of the first flap in a closed state. In particular, such an arrangement would defeat the purpose of the strap disclosed by Fleming, as it could then no longer function to maintain the movable flap 12 in a closed state.

Claims 17-22 are generally directed to a method for facilitating use of fishing line by a fisher. In particular, Claim 17 recites "providing at least a first spool having a bore and fishing line; [and] inserting a strap through said bore." As amended, Claim 17 additionally recites "establishing a closed state. . . wherein at a first section between said bore and an outer circumference said spool is held by said strap. . . , and wherein at a second section between said bore and said outer circumference that is diametrically opposite said first section said spool is free from said strap."

The Kiser reference is generally directed to a foldable tackle box. Arms 46 have one end secured to a surface of a tray 28. The free end of each arm 46 is parallel to and spaced outwardly from the sheet 42, and the arms 46 of each set are laterally spaced with respect to one another. (Kiser, col. 3, ll. 17-27.) Accordingly, the arrangement discussed by Kiser holds a spool of line in position by providing a pair of arms 46 that act against a first planar side surface of the spool such that the second planar side surface of the spool is held against the surface of a tray (sheet 42).

The Schloss reference is generally directed to a display mount. In particular, the display mount of Schloss discusses two pairs of slits that are parallel to one another and separated by a distance corresponding to the diameter of the annular article of merchandise to be supported in place (Schloss, ll. 41-46.) An elongated tongue is threaded through the slits to frictionally retain the article in place. (Schloss, ll. 50-55; Figs. 2 and 3.) Schloss notes that "the only essential

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being that there shall be two points of attachment which shall respectively lie between the slits 2, 2^a and 3, 3^a." (Schloss, ll. 60-63; Fig. 1. (emphasis added).)

Even if the proposed combination of Kiser and Schloss is proper, such a combination does not teach, suggest or disclose each and every element of Claims 1 and 17-24. For example, the cited references do not teach, suggest or disclose a strap having an open state and a closed state or a single strap element with an attached end and an attaching end. Instead, Kiser describes a pair of arms with no "attaching ends," and Schloss describes a flexible tongue threaded into slits with no "attached end." Therefore, for at least these reasons, Claim 1 is not obvious. Schloss also does not teach, suggest or disclose inserting a strap through the bore of a spool and establishing a closed state, wherein the spool is held by the closed strap at a first section and wherein at a second section diametrically opposite the first section the spool is free from the strap, as recited by Claim 17. Instead, Schloss requires that the described tongue be threaded through slits such that there are two points of attachment opposite one another with respect to the article to be held.

Dependent Claim 23 recites additional subject matter that is not taught, suggested or disclosed by the cited references. In particular, Claim 23 recites that in the closed state of the strap, "a first surface of said strap at a first location along said strap is adjacent said first surface of said strap at a second location along said strap, wherein in said closed state, said first and second locations are not within an outside diameter of said at least a first spool." In the Office Action, the Schloss reference was cited for showing first and second surfaces of a strap that were adjacent one another. However, such a relationship only occurs within an inner diameter of the spool. Accordingly, for at least this additional reason, Claim 23 is not obvious in view of the cited references, and the rejection of that claim should be reconsidered and withdrawn.

As set forth above, even if the Kiser and Schloss references are combined, they do not teach, suggest or disclose each and every element of Claims 17-22. Accordingly, for at least these reasons, Claims 17-22 are not obvious, and the rejections of these claims should be reconsidered and withdrawn.

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The application now appearing to be in form for allowance, early notification of the same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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